

## CITY OF ISSAQUAH

### MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

**Description of Proposal:** Proposal to subdivide a 6-acre parcel into 24 single-family residential lots, generally ranging in size from 3,000 to 4,500 SF. The proposal would also create a separate 7.75 acre tract to the east for future development. The proposed subdivision is adjacent to the Talus development and would be accessed through Talus, with James Bush Road providing a secondary, emergency access only.

The proposal would fill two small, low-functioning, exempt Category 4 wetlands and mitigate by planting conifer trees in an upland area to improve plant diversity and habitat functions. There is a steep slope area (greater than 40%) along the south portion of the site, designated in a protective tract. The applicant proposes to reduce the steep slope buffer from 50 feet to 10 feet where adjacent to the main access road.

Project site is located to the east of Talus Division 5-C and South of James Bush Road.

<b>Proponent:</b>	Forest Heights LLC 22522 SE 51 <sup>st</sup> Street Issaquah, WA. 98029 Attn: Joseph Amedson	Triad Associates 12112 115 <sup>th</sup> Ave NE Kirkland, WA. 98034 Attn: Gerald Buck
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**Permit Number:** PLN09-00065, PLN07-00003 – Forest Heights

**Location of Proposal:** East of Talus Division 5-C and south of James Bush Road

**Lead Agency:** City of Issaquah

**Determination:** The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

**Comments:** This DNS is issued under WAC 197-11-340(2). The lead agency will not act on this proposal for 14 days. Written comments may be submitted between **February 23, 2012** and **March 7, 2012**. The Responsible Official will reconsider the DNS based on timely comments and may retain, modify, or if significant adverse impacts are likely, withdraw the DNS.

**Appeals:** You may appeal this determination by filing a Notice of Appeal with the Issaquah Permit Center located at 1775 12th Ave. NW, Issaquah between **March 8, 2012** and **March 21, 2012**. Appellants should prepare specific factual objections. Contact the SEPA Responsible Official to read or ask about the procedures for SEPA appeals.

Appeals of this SEPA determination must be consolidated with appeal of the underlying permit, per IMC 18.04.250.

#### Notes:

- 1) This threshold determination is based on review of the preliminary plat, preliminary grading plan, preliminary utility plan, preliminary road profile, conceptual landscape plan, and critical areas exhibits received November 11, 2011; Critical Areas Study received October 15, 2009 (Talasaea Consultants); Critical Area Report Addendum received June 13, 2011 (Sewall Wetland Consulting);

Supplemental Geotechnical Investigation received June 13, 2011 (Golder Associates); environmental checklist received October 15, 2009; and other documents in the file.

- 2) Issuance of this threshold determination does not constitute approval of the permit. The proposal will be reviewed for compliance with all applicable City of Issaquah codes, which regulate development activities, including the Land Use Code, Critical Area Regulations, Building Codes, Clearing and Grading Ordinance, and Surface Water Design Manual.

#### **Findings:**

1. Urban Village Expansion Area - The project site is located adjacent to the Talus development, directly east of Division 5C. The site was included in the Talus Urban Village expansion area, eventual development of the site was anticipated with Talus though the site was not included in the Talus/East Village Development Agreement.
2. Cluster Housing - The proposal is for cluster housing, consistent with IMC 18.07.420; which allows for smaller lot sizes (though overall density must be consistent with underlying zoning) and requires common usable open space. A development agreement approved by the City Council is required for cluster housing proposals over 5 acres in size.
3. Traffic - Primary access to the site would be through Talus; from SR-900 to Talus Drive, Shangri-La Way, to Big Tree Drive NW. The access is proposed through Talus because of the practical/physical constraints, environmental impacts, and high cost of improving James Bush Road as a primary residential access. The traffic trips generated by the proposed 24 residential lots were not part of the trips approved for the Talus development. However, traffic trips from the proposal (24 P.M. peak hour trips, ITE Manual) would add less than 1% to the maximum number of peak hour traffic trips (approximately 2,443 commercial/residential trips) that were approved for full development of Talus. Therefore, the proposal is expected to have minimal impacts on the Talus internal street network. The proposal was issued a Certificate of Transportation Concurrency (CON09-0004) for 32 residential lots.
4. Construction Traffic - To minimize construction-related traffic impacts on the Talus residential neighborhood, construction traffic should use James Bush Road when feasible. Some construction equipment may not be able to use James Bush Road due to the road grades and turning radius. A construction haul route plan shall be required by the City to minimize construction-related traffic through the Talus neighborhood to the extent feasible.
5. Steep slopes - There is a steep slope area (greater than 40%) along the east portion of the site. The applicant proposes to reduce the required steep slope buffer from 50 feet to 10 feet, consistent with IMC 18.10.580, where adjacent to the main access road and the steep slope area is designated in a protective tract. There is an existing gravel road with utilities presently encroaching into the steep slope buffer and the proposal would improve and expand the existing road by approximately 4 feet further into the slope area. A geotechnical report (*Addendum Report Critical Areas Study*, Golder Associates, May 3, 2011) provides a steep slope evaluation and found no visual indicators of recent slope instability or severe erosion. The report concludes that the steep slope buffer could be reduced from 50 feet to 10 feet without reducing the level of protection.
6. Retaining Wall - There is an existing retaining wall extending approximately 675 feet along the west boundary of the project site, separating the project site from Talus. The northern-most 50 feet of the retaining wall is a 2-4 foot high rockery. The remaining part of the retaining wall is mechanically stabilized earth (MSE) with a maximum height of 25 feet. The proposal has been designed to

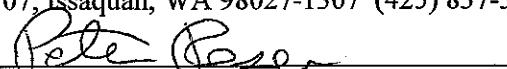
minimize the number of lots backing up to the wall, and an internal access road provides separation between lots and the wall. A geotechnical report (*Addendum Report Critical Areas Study*, Golder Associates, May 3, 2011) addressed potential impacts of the proposal on the existing retaining wall. The report recommends that no temporary or permanent deep excavations or significant cuts be made adjacent to the toe of the MSE wall. The civil plans do not indicate significant cuts for construction of the roadway adjacent to the wall. Excavation up to 8 feet deep may be needed to install utilities in the road. The report recommends the following measures, which are required in order to avoid impacts to the existing MSE retaining wall:

- 1) The maximum trench depth should not intersect a line extended down and away from the existing MSE wall footing at a 1.5H:1V slope.
  - 2) Trench shoring is used and correctly installed.
  - 3) Maximum length of trench open at one time will be limited depending on the pipe lengths.
  - 4) Trench is backfilled within 8 hours of excavation.
  - 5) Existing underdrains that extend from the toe of the MSE wall should be exposed, and connections made to collect the water and convey it by tight line to the project stormwater collection system.
7. Wetlands – The proposal would fill two Category 4 wetlands (Wetland A - 897 SF and Wetland B - 2,000 SF). The wetlands have low ecological functions. Category 4 wetlands less than 2,500 SF in size are exempt from wetland buffer and wetland mitigation requirements, provided the loss of functions/values is mitigated. For mitigation, the applicant proposes to plant 29 conifer trees in an upland area dominated by deciduous forest in order to improve plant diversity and habitat functions as mitigation. The proposed planting shall be shown on the project landscape plan and installed prior to final plat approval.
8. Public Services - The proposal would have a potential impact on public services, including police and general government buildings. IMC Chapter 18.18, Methods to Mitigate Development Impacts, provides alternatives to mitigate for direct impacts of proposed development. The City may approve a voluntary payment in lieu of other mitigation. Rate studies for police facilities and general government buildings are included in IMC 18.10.260 as the City's SEPA policy base. The rate studies present the methodology and formulas for determining the amount of the mitigation fee commensurate with the proposed land use and project impacts. Applicant objections to the voluntary payment should be made during the SEPA comment period.

**Mitigation Measures:** The Mitigated Determination of Nonsignificance is based on the checklist received October 15, 2009 and supplemental information in the application. The following SEPA mitigation measures shall be deemed conditions of the approval of the licensing decision pursuant to Chapter 18.10 of the Issaquah Land Use Code. All conditions are based on policies adopted by reference in the Land Use Code.

1. A construction haul route plan shall be approved by the City to minimize construction-related traffic impacts through the Talus neighborhood, prior to issuance of construction permits.
2. The following measures are required to avoid project impacts to the existing MSE retaining wall along the west property boundary:

- 1) The maximum trench depth should not intersect a line extended down and away from the existing MSE wall footing at a 1.5H:1V slope.
  - 2) Trench shoring is used and correctly installed.
  - 3) Maximum length of trench open at one time will be limited depending on the pipe lengths.
  - 4) Trench is backfilled within 8 hours of excavation.
  - 5) Existing underdrains that extend from the toe of the MSE wall should be exposed, and connections made to collect the water and convey it by tight line to the project stormwater collection system.
3. The applicant shall include the planting of 29 conifer trees in the slope area along the east part of the site on the project landscape plan. The planting shall be installed prior to final plat approval.
4. The applicant should mitigate for potential impacts on public services with a voluntary contribution in the amount of \$130.32 per new single-family residence for the General Government Buildings Mitigation Fee, and \$166.81 per new single-family residence for the Police Mitigation Fee. The applicant should pay the voluntary contribution prior to issuance of building permits.

**Responsible Official:** Peter Rosen  
**Position/Title:** Environmental Planner  
**Address/Phone:** P.O. Box 1307, Issaquah, WA 98027-1307 (425) 837-3094  
**Date:** 2/22/2012  
**Signature:** 

cc: Washington State Department of Ecology  
Muckleshoot Indian Tribe  
U.S. Army Corps of Engineers  
Washington State Department of Fish and Wildlife  
Mark Hinthorne, David Favour, Peter Rosen – Issaquah Planning Department  
Issaquah Building Department  
Issaquah Public Works Department  
Issaquah Parks Department

**Affidavit of  
Publication**

SS }

**STATE OF WASHINGTON  
COUNTY OF KING**

I, Mariana Skakie, being first duly sworn on oath, depose and says that she is the deputy clerk of The Issaquah Press, a weekly newspaper. That said newspaper is a legal newspaper of general circulation and is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continuously as a weekly newspaper in Issaquah, in King County, Washington, and it is now, and during all of said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the said The Issaquah Press was on the eighteenth day of January 1900, approved as a legal newspaper by the Superior Court of said King County.

This is a true copy of Legal Notice No. 02-2325, City of Issaquah, SEPA Determination, Forest Heights.

As it was published (and not in supplement form) of said newspaper each week for a period of one week commencing on the 22nd day of February, 2012 and ending on the 22nd day of February, 2012 as was regularly distributed to its subscribers during all of said period. That the amount of the fee charged for the foregoing publication is the sum of \$157.50 at the rate of \$15.00 per column inch.

*W Enden*

Notary Public in and for the State of Washington

*M Skakie*

Mariana Skakie  
Chief Clerk  
The Issaquah Press

Subscribed and sworn to me the 22nd day of February,  
2012

WENDY C. ENDEN  
STATE OF WASHINGTON  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
07-22-14

**02-2325 LEGAL NOTICE**

**City of Issaquah  
PUBLIC NOTICE  
SEPA DETERMINATION  
Forest Heights/PLN07-00003, PLN09-00065**

Pursuant to the provisions of Issaquah Ordinance No. 1633 and the State Environmental Policy Act, Chapters 43.21(c) RCW and WAC 197-11-510, notice is hereby given that the City of Issaquah did, on **February 22, 2012** issue a **Mitigated Determination of Nonsignificance (MDNS)** for a proposal to subdivide a 6-acre parcel into 24 single-family residential lots, generally ranging in size from 3,000 to 4,500 SF. The proposal would also create a separate 7.75 acre tract to the east for future development. The proposed subdivision is adjacent to the Talus development and would be accessed through Talus, with James Bush Road providing an emergency access only.

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Project site is located to the east of Talus Division 5-C and South of James Bush Road.

**Project name/Permit number:** Forest Heights/PLN07-00003, PLN09-00065

After review of a completed environmental checklist and other information on file with the agency, the City of Issaquah has determined this proposal would not have a probable significant adverse impact on the environment.

This DNS is issued under WAC 197-11-340(2). The lead agency will not act on this proposal for 14 days. Anyone wishing to comment may submit written comments to the Responsible Official between **February 23, 2012** and **March 7, 2012**. The Responsible Official will reconsider the determination based on timely comments. Any person aggrieved by this determination may appeal by filing a Notice of Appeal with the City of Issaquah Permit Center between **March 8, 2012** and **March 21, 2012**. Appellants should prepare specific factual objections. Copies of the environmental determination and other project application materials are available from the Issaquah Planning Department, 1775 12th Avenue NW.

Peter Rosen, Environmental Planner, (425) 837-3094

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